

REMARKS/ARGUMENT

Description of Amendments

Applicant has amended claims 23, 24, 27, and 34; added claims 41-44; and canceled claims 25 and 26. No new matter has been added. As amended, claims 23, 24, and 27-44 are now pending and under examination.

The amendments to claims 23 and 34 are supported by the application as originally filed (see, for example, Figures 3A-3F and their description in the specification). New claims 41-44 are also supported by the application as originally filed (see, for example, Figures 2G and 3G and their description in the specification).

Rejections under 35 U.S.C. §§ 102 and 103(a)

Claims 23, 27, 29, 33, 34, 36, 37, and 39 were rejected under 35 U.S.C. §102(e) as being anticipated by *Ding* (U.S. Patent 6,099,562).

Applicant has substantially incorporated the subject matter of claim 25 into the only two independent claims (i.e., claims 23 and 34) to overcome the rejection. Claim 25 has not been rejected as being anticipated by *Ding*.

Claims 34, 36-38, and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by *Ragheb* (U.S. Patent 5,873,904).

Applicant has substantially incorporated the limitation of claim 25 into independent claim 34 to overcome the rejection. Claim 34, as amended, recites several limitations that are not taught by *Ragheb*. For example, amended claim 34 recites a stent that includes a primer layer coated on the stent substrate and a polymeric coating formed on the primer layer, wherein the polymeric coating includes alternating sections of a first layer and a second layer along a length of a segment of the substrate.

Ragheb does not teach a primer placed between a stent substrate and alternating sections of first and second layers. In the rejection of claim 25, the Examiner stated that *Ragheb* teaches a primer layer at column 12, lines 38-41 (see the embodiment shown in Figure 1). And in the rejection of claim 34, the Examiner suggested that *Ragheb* teaches alternating pattern of first and second layers (18, 20) at column 17, lines 15-20 (see the

embodiment shown in Figure 5). However, the Examiner also cited sections of *Ragheb* that teach against combining these two features in one embodiment. In paragraph 16 of the Office Action, the Examiner stated that *Ragheb* teaches that the alternating pattern of first and second layers (18, 20) allows the layers (18, 20) to directly connect to the base material (14) of the stent and that the direct connection helps further secure the layers (18, 20) together and provides structural integrity to the device once the bioactive layers have been released. Therefore, *Ragheb* teaches against placing a primer layer between the alternating first and second layers (18, 20) and the based material (14) of the stent, because a primer layer so placed would prevent the layers (18, 20) from being directly connected to the base material (14).

Claims 36-38 and 40 are also not anticipated by *Ragheb* because they depend from claim 34.

Rejections under 35 U.S.C. §§ 102 and 103(a)

Claims 23-28, 30, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Tuch* (U.S. Patent 5,824,048) in view of *Ragheb*. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Amended independent claim 23 recites a stent that includes a primer layer coated on the stent substrate, a first layer, and a discontinuous second layer having a segment separated by the first layer, wherein the first and second layers are coated on the primer layer.

Tuch clearly does not teach or suggest the above features, and the Examiner did not contend that it does. *Ragheb*, as discussed above, also does not teach or suggest these features. Accordingly, claim 23 (and dependent claims 24-28, 30, and 31) is patentable over the cited references.

Patentability of New Claims 41-44

New claims 41-44 are patentable because the cited references do not teach “[a] polymeric coating includes alternating sections of a first layer and a second layer arranged only along a length of the substrate, [] wherein the first and second layers do not overlap radially” (see independent claim 41).

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In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

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